

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOSHUA MELLO and RACHEL WARE,
Plaintiffs,

vs.

DEREK GUSTAFSON, TIMOTHY VESEY,
STEVEN CATALANO, JOHN ROCCHIO and
EDWARD ARRUDA

Defendants

C.A. No. 1:23-cv-00480-JJM-PAS
1:23-cv-00479-JJM-PAS

**DEFENDANTS' OBJECTION TO PLAINTIFFS' MOTION FOR A PROTECTIVE
ORDER**

Now come the Defendants, Edward Arruda (“Defendant Arruda”) and John Rocchio (“Defendant Rocchio”)(collectively hereinafter “Defendants”) and hereby object Plaintiffs, Joshua Mello’s (“Plaintiff Mello”) and Rachel Ware’s (“Plaintiff Ware”)(collectively hereinafter “Plaintiffs”) Motion for a Protective Order that bars Defendant Officers from performing detail assignments at the Rhodes on Pawtuxet when Plaintiff Ware is working.

While Defendants deny Plaintiffs’ allegations against Defendant Rocchio regarding an event that Defendant Rocchio was working police detail and Plaintiff Ware was working at Rhodes of Pawtuxet on November 30, 2024, and December 6, 2024, Plaintiffs have no basis to seek an Order from this Court that “bars” Defendants from working detail at Rhodes of Pawtuxet under Rule 26(c) of the Federal Rules of Civil Procedure. It is well-established that Fed. R. Civ. P. 26 governs discovery in a lawsuit filed in a federal court. Fed. R. Civ. P. Rule 26(c) provides that:

A party or any person from who discovery is sought may move for a protective order in the court where the action is pending—or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve

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the dispute without court intervention. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (A) forbidding the disclosure of discovery; (B) specifying the terms, including the time and place or the allocation of expenses, for the disclosure or discovery; (C) prescribing a discovery method other than the one selected by the party seeking discovery; (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters; (E) designating the persons who may be present while discovery is conducted; (F) requiring that a deposition be sealed and opened only on court order; (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed in a specific way; and (H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court directs.

Plaintiffs seek in their motion is requesting that Defendants be barred from working as detail police officers at the Rhodes of Pawtuxet is not only unrelated to discovery in the instant lawsuit, unrelated to the lawsuit in its entirety. Plaintiffs' Motion for a Protective Order is improper before this Court and should be denied accordingly.

WHEREFORE, Defendants respectfully request that this Court deny Plaintiffs' Motion for a Protective Order that bars Defendant Officers from performing detail assignments at the Rhodes on Pawtuxet when Plaintiff Ware is working.

Defendants, John Rocchio and
Edward Arruda
By their Attorney,

/s/ Julia K. Scott- Benevides
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CERTIFICATION

I hereby certify that the within document has been electronically filed with the Court on the 12th day of December, 2024, and is available for viewing and downloading from the ECF system.

I further certify that a true and accurate copy of the within was emailed and mailed, postage prepaid, to:

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/s/ Julia K. Scott- Benevides